

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Petitioner,

v.

ORDER

06-cr-098-jcs-01

CONCEPCION RELEFORD,

Respondent.

Petitioner moved under 18 U.S.C. §3582(c)(2) to reduce his sentence because of the lowering of the sentencing guideline range applicable to him on November 1, 2007. He also moved to vacate his sentence under 28 U.S.C. §2255. These motions have been fully briefed.

The parties agree that petitioner's motion under 18 U.S.C. §3582 should be deferred until March 3, 2008.

Respondent argues that petitioner's 28 U.S.C. §2255 motion is untimely. Petitioner's judgment of conviction was entered on September 14, 2006. Since he did not file an appeal, his 2255 motion must have been filed not later than September 24, 2007. Petitioner's motion will be denied because it was untimely filed on December 13, 2007.

ORDER

IT IS ORDERED that petitioner's 28 U.S.C. §2255 motion is DENIED as untimely.

U.S. v. Releford, 06-cr-98-jcs

IT IS FURTHER ORDERED that petitioner's 18 U.S.C. §3582 motion is deferred until after March 3, 2008.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge